

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:22-CV-15-FL**

ROBERT TERRACINO and
BRADIE TERRACINO,

Plaintiffs,

v.

TRIMACO, INC.,

Defendant.

DEFENDANT’S PROPOSED TERMS FOR CONSTRUCTION

Defendant Trimaco, Inc. (“Defendant”), by and through the undersigned counsel, submits the following proposed terms for claim construction.

Claim(s)	Claim Term	Defendant’s Proposed Construction	Support for Defendant’s Construction	Plaintiffs’ Proposed Construction
1, 6	a non-skid protective cloth or pad, consisting of	A non-skid protective cloth or pad, limited to only two layers (a) and b)) and stitching (c)	Abstract of ‘917 Patent. Col. 3, ll. 58 -64 of ‘917 Patent. Col. 5, ll. 24-25 of the ‘917 Patent. Prosecution History of US Appl. No. 12/460,763. Plaintiff’s Amendment dated June 12, 2010; page 9 and Plaintiff’s Amendment dated Sept. 6, 2012; page 14. “The transitional phrase “consisting	

Claim(s)	Claim Term	Defendant's Proposed Construction	Support for Defendant's Construction	Plaintiffs' Proposed Construction
			of" excludes any element, step, or ingredient not specified in the claim." <i>See</i> MPEP 211.03(II) (citing <i>In re Gray</i> , 53 F.2d 520, 11 USPQ 255 (CCPA 1931)); <i>see also Georgia-Pacific Corp. v. United States Gypsum Co.</i> , 195 F.3d 1322, 1328-29 (Fed. Cir. 1999).	
1, 6	said upper major surface of said single lower resilient layer being disposed adjacent said lower layer	The upper major surface of the single lower resilient layer is disposed directly next to or adjoins the lower major surface of the single, absorbent, woven upper layer	Abstract of '917 Patent. Col. 3, ll. 58 -64 of '917 Patent. Col. 5, ll. 24-25 of the '917 Patent. Col. 5, ll. 42-43 and Fig. 1 of the '917 Patent. Prosecution History of US Appl. No. 12/460,763. Plaintiff's Amendment dated Sept. 6, 2012; pages 13 and 14. Plaintiffs adopted the meaning of the term "adjacent" as it is used in US Patent No. 5,567,497 (Zegler).	
1, 6	said downward projecting bumps comprising bumps having at least two different circumferential sizes	The downward projecting bumps have a measurable boundary or perimeter of two or more sizes	Col. 5, ll. 54-62 and Fig. 1 of the '917 Patent. Prosecution History of '917 Patent. Plaintiffs' amendments to	

Claim(s)	Claim Term	Defendant's Proposed Construction	Support for Defendant's Construction	Plaintiffs' Proposed Construction
			claims 1 and 6 and amended specification dated Dec. 12, 2014. Notice of Allowance dated April 3, 2015. Dictionary definition of "circumference" Merriam-Webster's Colligate Dictionary, Tenth Edition, ©2002	
1, 6	said height of bumps having the smaller of said at least two different circumferential sizes being greater than said height of bumps having said larger of said at least two circumferential sizes	Each of the circumferentially smaller bumps must have a greater height than that of the circumferentially larger bumps	Col. 5, ll. 54-62 and Fig. 1 of the '917 Patent. Prosecution History of '917 Patent. Plaintiff's amendments to claims 1 and 6 and amended specification dated Dec. 12, 2014. Notice of Allowance dated April 3, 2015.	
1	whereby when said lower major surface of said single resilient layer is placed on a support surface, a Sliding Coefficient of friction measure in accordance with TAPPI T548 specification is greater than approximately 0.75	Indefinite	TAPPI T548, Issued 1990 and subsequently withdrawn. Col. 4, ll. 13-25, Col. 7, ll. 3-55, and Fig. 4 of the '917 Patent.	
4, 9	amorphous	Having an indefinite shape, but a measurable boundary or	Col. 3, ll. 66, Col. 4, ll. 2, and Fig. 1. Dictionary definition of "amorphous"	

Claim(s)	Claim Term	Defendant's Proposed Construction	Support for Defendant's Construction	Plaintiffs' Proposed Construction
		perimeter	Merriam-Webster's Colligate Dictionary, Tenth Edition, ©2002.	
6	whereby when tested in accordance with TAPPI T548 specification, an average slide angle is no less than approximately 40°	Indefinite	TAPPI T548, Issued 1990 and subsequently withdrawn. Col. 4, ll. 13-25, Col. 7, ll. 3-55, and Fig. 4 of the '917 Patent.	

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/s/ Deborah Pollack-Milgate

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**by special appearance*

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CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2023, a true and correct copy of the foregoing was served electronically upon the following counsel of record for Plaintiffs:

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